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10 Attorneys for Plaintiff BARRY LYGA

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 BARRY LYGA, an Individual,

14 Plaintiff,

15 vs.

16 WARNER BROS. TELEVISION, a
17 Delaware corporation; FOX
18 BROADCASTING COMPANY; a
19 Delaware corporation; MAKENNNA
20 PRODUCTIONS, INC. formerly known
21 as BERLANTI TELEVISION, INC., a
22 California corporation; CHRIS FEDAK,
23 an Individual; SAM SKLAVER, an
24 Individual; SARAH SCHECTER, an
25 Individual; and

26 DOES 1 through 100, inclusive,

27 Defendants.
28

Case No.:

COMPLAINT FOR:

1. **COPYRIGHT
INFRINGEMENT (17 USC
§101, ET SEQ)**

2. **UNFAIR COMPETITION**

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2
3 1. Plaintiff Barry Lyga (“Plaintiff” or “Lyga”) alleges Defendants
4 misappropriated Plaintiff’s novel *I Hunt Killers* and its related works for
5 Defendants’ TV series *Prodigal Son*. In particular, Warner Bros Television held
6 the option for *I Hunt Killers*, passed on the option, and later produced *Prodigal Son*
7 with the other Defendants.

8 2. There is no question that Defendants had the opportunity to access and
9 copy Plaintiff’s works since *I Hunt Killers* and its related works were published.

10 3. Defendants unlawfully and without Plaintiff’s authorization selected,
11 arranged, and/or copied original elements of Plaintiff’s works, namely, the plots,
12 themes, dialogue, moods, settings, pace, characters, and sequence of events.

13 4. Based on the foregoing, Plaintiff seeks compensatory and injunctive
14 relief.

JURISDICTION

15
16
17 5. Jurisdiction is proper under 28 U.S.C. §§1331, 1338(a), 1338(b), and
18 1367(a) because the claims in this pleading confers upon the Court exclusive
19 jurisdiction over claims of copyrights under 17 U.S.C. §101, et seq. and unfair
20 competition when joined with a substantial and related claim under copyright laws.
21 Jurisdiction is also proper in this Court pursuant to 28 U.S.C. §1332 with respect to
22 Plaintiff’s cause of action because there is complete diversity of citizenship among
23 the parties to those causes of action and the amount in controversy exceeds
24 \$75,000.
25

26
27 6. The Court may exercise personal jurisdiction over Defendants as
28

1 Defendants reside and/or regularly conducts business in the State of California.

2 7. Venue in this Court is proper pursuant to 28 U.S.C. §§1391(b),
3 1391(c), and 1400(a) because Defendants reside in this district and substantial part
4 of the events and omissions giving rise to Plaintiff's claims occurred in this district.
5

6 PARTIES

7 8. Plaintiff is an individual with a place of residence in New Jersey.

9 9. Plaintiff is informed and believes, and thereon alleges that defendant
10 Warner Bros. Television ("**WBTV**"), is a corporation organized and existing under
11 the laws of Delaware with its principal place of business located at Burbank,
12 California. WBTV is a producer of *Prodigal Son*.

13 10. Plaintiff is informed and believes, and thereon alleges that defendant
14 Makenna Productions, Inc. formerly known as Berlanti Productions ("**Berlanti**
15 **Prods**"), is a corporation organized and existing under the laws of California with
16 its principal place of business located at Burbank, California. Berlanti Prods is also
17 a producer.

18 11. Plaintiff is informed and believes, and thereon alleges that defendant
19 Chris Fedak ("**Fedak**"), is an individual with his principal place of residence in Los
20 Angeles, California. Fedak is a creator, executive producer, showrunner, and writer
21 of the show with Sam Sklaver.

22 12. Plaintiff is informed and believes, and thereon alleges that defendant
23 Sam Sklaver ("**Sklaver**"), is an individual with his principal place of residence in
24 Los Angeles, California. Sklaver is a creator, executive producer, showrunner, and
25 writer of the show with Fedak.

26 13. Plaintiff is informed and believes, and thereon alleges that defendant
27 Sarah Schecter ("**Schecter**"), is an individual with her principal place of residence
28

1 in Los Angeles, California. Plaintiff is further informed and believes that Schechter
2 is an executive producer on the show and an executive at Berlanti Prods.

3 14. The true names and capacities of Defendants Does 1 through 100,
4 inclusive, whether individual, corporate, associate, or otherwise, are unknown to
5 Plaintiff, who therefore sue these Defendants by such fictitious names. Plaintiff
6 will amend this Complaint to show the true names and capacities of these
7 Defendants after they have been discovered. On information and belief, each of the
8 fictitiously named Defendants is responsible in some manner for the occurrences
9 alleged in this Complaint, and the damages as alleged in this Complaint were
10 proximately caused by the acts or omissions of these Defendants.

11 15. On information and belief, at all times material to this action, each
12 Defendant was acting as an agent, servant, partner, and/or alter ego of each of the
13 remaining Defendants and, in connection with the matters alleged herein, was
14 acting in the course and scope of such agency. Plaintiff is further informed and
15 believes, and on that basis alleges, that each Defendant, while acting as principal,
16 expressly acted with the knowledge of the other Defendants and/or expressly
17 directed, authorized, affirmed, consented to, ratified, encouraged, approved,
18 adopted, and/or participated in the acts or transactions of the other Defendants.
19

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 **I. ABOUT BARRY LYGA**

22
23 16. Lyga has published twenty-four novels in various genres in his sixteen-
24 year career, including the *New York Times* bestselling novel *I Hunt Killers*. His
25 books have been or are slated to be published in more than a dozen different
26 languages in North America, Australia, Europe, and Asia.
27
28

17. After graduating from Yale with a degree in English, Lyga worked in the comic book industry before quitting to pursue his lifelong love of writing. In 2006, his first young adult novel, *The Astonishing Adventures of Fanboy and Goth Girl*, was published to rave reviews, including starred reviews from *Booklist* and *School Library Journal*. *Publishers Weekly* named Lyga a “Flying Start” in December 2006 on the strength of the debut.

18. His second young adult novel, *Boy Toy*, received starred reviews in *School Library Journal*, *Publishers Weekly*, and *Kirkus*. *Voice of Youth Advocates* (VOYA) magazine gave it its highest critical rating, and the *Chicago Tribune* called it “...an astounding portrayal of what it is like to be the young male victim.” His third novel, *Hero-Type*, according to VOYA “proves that there are still fresh ideas and new, interesting story lines to be explored in young adult literature.” Since then, he has also written *Goth Girl Rising* (the sequel to his first novel), as well as the *Archvillain* series for middle-grade readers and the graphic novel *Mangaman* (with art by Colleen Doran).

II. “I HUNT KILLERS” NOVEL SERIES

19. Plaintiff’s novel *I Hunt Killers* was published in April 2012 by Little Brown. Though published in 2012, Plaintiff wrote the book in 2009/2010 and announced in a press release early 2010.

20. *I Hunt Killers* is the first in a series about Jasper “Jazz” Dent, a seventeen-year-old son of the “world’s most notorious serial killer,” Billy Dent. *I Hunt Killers* reached #3 on the New York Times bestseller list in 2013.

21. The *I Hunt Killers* series is made up of three novels published between 2012 and 2014 (*I Hunt Killers*, *Game*, and *Blood of My Blood*) as well as six prequels (two novellas [*Lucky Day* and *Down Time*] and four short stories [*“Career*

Day,” “*Neutral Mask*,” “*Blood Boy*,” and “*Six Ways to Kill Your Grandmother*”])
(collectively, the “**IHK Works**”)

III. WBTV OPTION

22. In June of 2011, WBTV optioned *I Hunt Killers* prior to its publication in April 2012. The project was set up at WBTV with producer Joel Silver of Silver Pictures who was under a deal with WBTV. WBTV held on to its rights to *I Hunt Killers* for three years, renewing the option twice and working with writer/showrunner Arika Mittman to craft a pilot for ABC Family, swapping the gender of the main character.

23. Ultimately, in the fall of 2014, WBTV declined to renew the option, citing difficulty in meeting the requirements of the network. The purported main stumbling block was that the protagonist was a teenager. The IHK Works (except two of the prequels) had been published prior to WBTV’s release of the option in 2014.

IV. DEFENDANTS’ RELEASE OF *PRODIGAL SON*

24. Plaintiff is informed and believes that the pilot for *Prodigal Son* was written by Defendants Fedak and Sklaver, who executive produced alongside Berlanti and Schechter. Production companies involved with the pilot include Berlanti Prods. (currently Makenna Productions) and WBTV.

25. *Prodigal Son* debuted on September 23, 2019. On October 7, 2019, the series was picked up for a full season of 22 episodes. On May 21, 2020, Fox renewed the series for a second season which premiered on January 12, 2021. On May 10, 2021, Fox canceled the series after two seasons

1 **V. SIMILARITIES BETWEEN PLAINTIFF’S WORKS and**
 2 **PRODIGAL SON**

3 26. Plaintiff’s IHK Works and *Prodigal Son* have many similarities and
 4 common patterns in which circumstances arise, along with the particular sequence
 5 of elements, that make the two works substantially similar.
 6

7 **A. Plot and Sequence of Event**

8 27. *I Hunt Killers* is about Jasper “Jazz” Dent, a seventeen-year-old son of
 9 the “world’s most notorious serial killer,” Billy Dent. After years of not seeing his
 10 father and haunted by incomplete memories and dreams of his childhood, Jazz must
 11 confront his incarcerated father in order to gain information and insight that will
 12 help stop a copycat killer who is imitating his father’s own murders from years
 13 prior.
 14

15 28. According to Wikipedia, *Prodigal Son* “centers on Malcolm Bright
 16 whose father Martin Whitly is an infamous serial killer known as “the Surgeon”.
 17 When Malcolm was a child, he discovered what his father was doing and alerted the
 18 police who were able to finally catch him. Malcolm has not seen his father for ten
 19 years due to cutting ties and changing his name in order to distance himself from
 20 Martin. Having become an FBI profiler, and now working for the NYPD, Malcolm
 21 is forced to confront his father after a copycat serial killer emerges. He must use
 22 Whitly’s insights to help solve horrible crimes while handling inner battles. He must
 23 also deal with his father, who is constantly trying to insert himself back into
 24 Malcolm’s life. Along the way he is helped by Gil, an NYPD lieutenant and
 25 Malcom’s father figure, who was the officer who responded to Malcolm’s call all
 26 those years ago.”

27 29. In both stories, the act of hunting their fathers’ copycat killers puts
 28 each protagonist on his path for the remainder of the respective series.

1 30. The opening sequence in *Prodigal Son* is set in Tennessee before the
 2 series moves to New York City. *I Hunt Killers* takes place in Lobo's Nod,
 3 Tennessee before the series moves to New York City in the second book, *Game*.

4 31. Malcolm begins the series as an FBI agent in his twenties, but is fired
 5 in the pilot and becomes a consultant to the NYPD. In the *I Hunt Killers* series, Jazz
 6 works with the NYPD as a consultant and ends up consulting for the FBI when he is
 7 in his twenties.

8 32. Further, in *Lucky Day*, the presence of a serial killer in town leads to
 9 election trouble for G. William. In *Prodigal Son*, Bright — tracking a serial killer
 10 — tells the local sheriff: "Election is coming up. Bad timing for you. People in
 11 town are scared. You're gonna lose."

12 33. The scene in *Prodigal Son* wherein Malcolm sees his father for the
 13 first time in years in order to get help catching the Surgeon's copycat is beat-for-
 14 beat Jazz's first confrontation with *his* father in order to catch Billy's copycat, the
 15 Impressionist. We learn in this scene that Martin is writing a book. In *Blood of My*
 16 *Blood*, Jazz discovers that Billy has written a book about serial murder.

17 34. In *I Hunt Killers*, the Impressionist injects his victims before killing
 18 them. In the *Prodigal Son* pilot, the killer injects his victims before killing them.
 19 Malcolm predicts the copycat's methods based on his knowledge of his father's
 20 victims. Jazz predicts the Impressionist's movements and murders thanks to his
 21 knowledge of Billy's methods.

22 35. Malcolm describes the Surgeon's copycat as "...a serial killer super-
 23 fan....[who is] inadequate. He can't craft his own murders so he mimics another
 24 serial killer." The Impressionist in *I Hunt Killers* is described as "... some
 25 psychopathic fanboy who's such a loser that he has to pretend to be my father in
 26 order to give meaning to his life." Jazz goes into more detail with G. William:
 27 "This guy . . . He's not *in* control. He's *under* control. He's subordinated his entire
 28

1 personality to this idea in his head of who and what Billy is. Worships Billy's
 2 memory and legacy. I mean, he's obviously studied everything there is to study
 3 about Billy. He might even think he *is* Billy, on some level."

4 36. Jazz tracks the Impressionist to Ginny Davis's apartment, puts his ear
 5 to the door, tells Howie to be quiet, then realizes the killer is inside with his victim.
 6 Once he kicks in the door, the killer escapes through a window. Malcolm tracks the
 7 killer to Nico's apartment, puts his ear to the door, tells Dani to be quiet, then
 8 realizes the killer is inside with his victim. Once they break down the door, the
 9 killer escapes through a window.

10 37. The killer stages the body like a work of art, just as the Impressionist
 11 did in *I Hunt Killers*. ("During his phase as the Artist, Billy had posed his victims.
 12 For his fourth victim, he'd posed her like Cupid drawing a bow, matching her
 13 initials — V.D. — to Valentine's Day.")

14 38. With regards to the Girl in the Box, Malcolm cannot remember "what
 15 he did." Similar in *I Hunt Killers*:

16 "Did you make me kill my mother?"

17 Billy laughed. "Don't you remember?"

18 But he didn't. He couldn't. His memory — his poor, abused, fragmented
 19 memory. He could remember Billy skinning Rusty, could remember the
 20 quicklime lessons, could remember so much horror, but couldn't
 21 remember the most important thing of all."
 22

23 39. By season 1, episode 7, *Prodigal Son* introduces the notion of serial
 24 killers working together — this is a copy of the Crows, introduced in Plaintiff's
 25 *Game*, a collective of serial killers working together.

26 40. Martin mentions serial killers using multiple names/aliases. Billy went
 27 by the Artist, Green Jack, Hand-in-Glove, and many others. In *Blood of My Blood*,
 28 we learn that the Crows use the common alias "Jack Dawes."

1 41. In Season 1, Episode 7, via flashbacks, we learn that Martin guided
 2 young Malcolm in cutting...someone. We don't know who. This is a recurring
 3 flashback/pain point for Malcolm as he struggles to remember who he cut with a
 4 knife. It is also directly from *I Hunt Killers*, a memory Jazz struggles with
 5 throughout the entire series, remembering his father guiding him as a child in
 6 cutting...someone.

7 42. In season 1, episode 9, . this episode introduces the Car-Crusher Killer,
 8 Martin's protege. As with the Impressionist and Billy, the Car-Crusher Killer is
 9 obsessed with Martin. Like the Impressionist and Jazz, the Car-Crusher Killer is
 10 also obsessed with Martin's son. In fact, he wants Malcolm to become a killer. Just
 11 as the Impressionist expresses in *I Hunt Killers*:

12 *"I want you to stride this earth like the murder god you're meant to be, like*
 13 *the creature your father wanted to create. I'm not going to kill you. I'm going*
 14 *to help you. I'm going to help you fulfill your first kill."*

15 43. Martin knows the Car-Crusher Killer, just as Billy knows the
 16 Impressionist.

17 44. In season 1, episode 9, we witness this exchange: "You scare me,
 18 Malcolm." "I scare me, too." This is key to Jazz's character from the *I Hunt*
 19 *Killers* books — fear of himself, of what he could become.

20 45. The mid-season finale ends on a cliffhanger, with Malcolm wounded
 21 and in danger, just as *Game* ends with Jazz wounded and in danger.

22 46. In episode 12, Malcolm expresses remorse and guilt for not "solving"
 23 the case of Martin Whitly as a child — he would have saved lives. When asked why
 24 he feels like he needs to be the one to stop Billy, Jazz responds (in *Blood of My*
 25 *Blood*):

26 *"It's my job. I have to be the one."*
 27
 28

1 *“Why?” Howie hated the note of whining that crept into his voice, but*
 2 *could do nothing to excise it. “Why?”*

3 *“Because I could have killed Billy. When I was a kid. Or at least*
 4 *turned him in. I didn’t. I was afraid.”*

5 47. In episode 14, Malcolm stabs Martin, apparently killing him, but
 6 actually does so in such a way as to save his father’s life. At the end of *Blood of My*
 7 *Blood*, Jazz stabs Billy, apparently killing him, but actually does so in such a way as
 8 to keep Billy alive.

9 48. In episode 16, When Malcolm expresses remorse at not stopping his
 10 father as a child, Eve tells him “You were only ten. It’s not your fault.” Howie does
 11 the same for Jazz:

12 *“I could have killed Billy. When I was a kid. Or at least turned him in.*
 13 *I didn’t. I was afraid.”*

14 *“You were a kid!” Howie yelled and damn near bashed Jazz over the*
 15 *head with his father’s Book of Evil and Crazy. “Stop beating yourself*
 16 *up over this! Go to the cops!”*

17 49. In episode 19, *Prodigal Son* indicates that there is some sort of
 18 conspiracy angle, with Martin referring to someone even he is afraid of. This
 19 parallels Jazz’s learning about the Crow King in *Game*, the master serial killer who
 20 is more terrifying even than Billy.

21 50. In episode 20, several old beats are hit again, with Martin telling
 22 Malcolm *“We’re the same,”* Malcolm saying, *“I’m not a killer,”* and Malcom
 23 telling the Girl in the Box *“I’m sorry I couldn’t save you,”* and her responding *“You*
 24 *were only a kid.”* These are all motifs from the *I Hunt Killers* series that have been
 25 described and matched above.
 26

27 51. In episode 20, *“First rule of killing — clean up after yourself,”* says
 28 Martin, as well as *“All that DNA — very sloppy.”* Also, in *I Hunt Killers*, we learn

1 that “*Billy Dent’s First Commandment was ‘Thou shalt not leave evidence.’*” We
 2 also learn that Billy has taught Jazz the importance of cleaning the crime scene: “*he*
 3 *brought Jazz in and walked him through the crucial steps necessary to remove*
 4 *evidence that would lead the cops.*”

6 **B. Themes**

7 52. The theme for *I Hunt Killers* and *Prodigal Son* is a father-son story
 8 with a serial-killer twist. They are about family and homicidal fathers looking to
 9 bond with their sons. Both stories focus on diagnosing the psychology of a loving
 10 father turned serial-killer and the fathers’ influence on their sons. Both sons fear of
 11 taking after their fathers. Both are a hybrid of Sherlock and Freud as they
 12 investigate crimes and mysteries while exploring psychosis of a dysfunctional
 13 family.
 14

16 **C. Character Traits**

18 **Jazz and Malcolm**

19 53. Malcolm and Jazz share a morbid sense of humor, as when Malcolm
 20 cuts off a man’s hand to save his life, then comments, “*I have to give him a hand*”
 21 when he returns the appendage. Jazz jokes that if his best friend dies, his girlfriend
 22 might at least inherit his car.

23 54. Jazz’s talent is described as “*being able to think like a killer.*”
 24 Malcolm says: “*I imagine the crime from the killer’s point of view.*”

25 55. Both hate their fathers. They fear that they will become like their
 26 fathers. “*Jazz was afraid of two things in the world, and two things only. One of*
 27 *them was that people thought that his upbringing meant that he was cursed by*
 28 *nature, nurture, and predestination to be a serial killer like his father. The second*

1 *thing . . . was that they were right.”* Malcolm says: *“I wanted to get away from my*
 2 *father. I was afraid of him. Afraid of everything he taught me. But really, I was*
 3 *afraid of me. Some people still are. They think I’m crazy. That I’m like The*
 4 *Surgeon.”*

5 56. Malcolm Bright uses an affirmation to ward off his own tendencies:
 6 *“I’m willing to let go and trust myself.”* Jazz also uses an affirmation: *“People are*
 7 *real. People matter.”*

8 57. Jazz worries throughout *I Hunt Killers* that people will think *he* is the
 9 killer. One example of many: *“And Jazz had a sinking feeling that people would be*
 10 *looking at him with accusation in their eyes. Only a matter of time, they would say.*
 11 *Had to happen sooner or later, they would say.”* Malcolm expresses the same
 12 concern *“Y’know, some might think it was me. I’m a good suspect. Son of The*
 13 *Surgeon, emotionally scarred.... Makes sense.”*

14 58. Jasper shows an ability to “read” regular people, such as Connie, G.
 15 William, and Howie, not just killers. Malcolm displays the same ability early on
 16 when he deduces Dani’s history in *Narcotics*.

17 59. *I Hunt Killers* establishes that Jazz has difficulties with his memory:
 18 *“All that remained were the half-remembered snippets of his childhood. Did anyone*
 19 *ever remember their childhood with perfect clarity? Jazz wasn’t sure, but his own*
 20 *was staticky and foggy.”* In Episode 2 of the *Prodigal Son*, Malcolm struggles to
 21 piece together childhood memories of *The Girl in the Box*.
 22

23 60. In season 1, episode 7, via flashbacks, we learn that Martin guided
 24 young Malcolm in cutting...someone. We don’t know who. This is a recurring
 25 flashback/pain point for Malcolm as he struggles to remember who he cut with a
 26 knife. It is also directly from *I Hunt Killers*, a memory Jazz struggles with
 27 throughout the entire series, remembering his father guiding him as a child in
 28

1 cutting...someone. This is a core component of Jazz's past and his character, and
 2 it's played out exactly the same on the screen for Malcolm in *Prodigal Son*.

3 61. In this episode, we learn that the Surgeon was going to kill Malcolm,
 4 but had a change of heart. In *Blood of My Blood*, Jazz learns that Billy and his
 5 mother had planned on killing him as a baby.

7 Billy Dent/Martin Whitly

8 62. Billy Dent and Martin Whitly both defy typical pop culture depictions of
 9 serial killers. Rather than being tortured, dark, monstrous figures, they are both
 10 shown as popular and well-liked prior to their captures. Even in prison chains, both
 11 are witty, occasionally avuncular, as well as charismatic, manipulative, and
 12 charming.

13 63. Billy discusses serial killers who want to be caught, specifically saying,
 14 "*Most of those jackasses — guys like Gacy and Bundy and even that peckerhead*
 15 *Dahmer — most of 'em, at some point they let someone go.*" Martin tutors his son
 16 in older serial killers, specifically mentioning Dahmer as someone who, deep down,
 17 wanted to be caught.

18 64. Martin assumes his son is just like him, saying at one point, "*We're*
 19 *nothing like them [“normal” people].*" This mimics Billy's same assumptions
 20 about Jazz: "*Prison ain't so bad for people like us, Jasper.*"

21 65. Billy and Martin "loved" their sons, and wanted to teach their sons
 22 everything about murder.

23 66. Billy refuses to talk to the police while imprisoned, meaning only Jazz
 24 can get information from him. Gil explains that "*Whitly doesn't talk to cops,*" so
 25 only Malcolm can get information from him.

26 67. Defying typical serial killer portrayals as incapable of love, Martin tells
 27 Malcolm: "*[Love] drove me to have you.*" And Billy does the same: "*But then you*
 28

1 were born, Jasper. You came sliding out easy as you please, didn't cause your
 2 momma any pain, hardly any labor. Just come sliding right out, practically into my
 3 arms, my boy, my son, my future." In *Blood of My Blood*, he expresses his love by
 4 saying, "I love you, boy. You're my son. My child."

5 68. Martin proclaims, "*I was a good father.*" This, too, is something Billy
 6 believes: "*Father of the Year? Maybe not. But a damn site better than most.*"

7 8 William Tanner/Gil Arroyo

9 69. Both G. William and Gil are widowers. As a boy, Jazz bonded with G.
 10 William Tanner, the cop who arrested his father, and by the time the series begins,
 11 Tanner is something of a father figure to Jazz. Similarly, as a boy, Malcolm bonds
 12 with Gil Arroyo, the cop who arrested his father. By the time of *Prodigal Son's*
 13 beginning, Gil is a father figure to Malcolm.
 14

15 16 D. Dialogue

17 70. There are extended similarity of dialogue between the two works.

18 71. Billy refers to Jazz as "*my boy*," eight times in the first book alone.
 19 This is not merely a convenience of language — it is clearly Billy's way of
 20 speaking and a phrase of meaning to him...similar to the way Martin uses the same
 21 phrase repeatedly through the first season of *Prodigal Son*.

22 72. Martin's serial killer "nickname" is "The Surgeon." This is a serial
 23 killer nickname also used in Plaintiff's novel *Hero-Type* (published in 2008) and
 24 referred to later in the third book of the *I Hunt Killers* trilogy, *Blood of My Blood*.

25 73. Martin is referred to as the "most notorious serial killer." This is
 26 literally the tagline for *I Hunt Killers*: "What if your dad was the world's most
 27 notorious serial killer?"
 28

74. Malcolm is warned about Martin: “*Don’t let him get into your mind.*” In *I Hunt Killers*, Jazz, worried about visiting his father, tells Connie: “*You show any weakness to a serial killer and he lives inside you after that.*” Connie later reminds him, “*I thought you were afraid of letting him into your head.*”

75. Malcolm demands of his father: “*Tell me what you did to me,*” in reference to Malcolm’s inconsistent childhood memories. Jazz says to Billy: “*What did you make me do?*” in reference to Jazz’s inconsistent childhood memories.

76. In episode 11, Malcolm tells John: “*I’m not a killer,*” to which John replies, “*Not yet.*” This follows almost exactly the conversation between Jazz and his father: “*I’m not a killer.*” “*Sure you are. You just ain’t killed no one yet.*”

77. John refers to “the Trials,” some sort of serial killer ritual/rite of passage. This is the same as “the Game” (from the second novel in the series, *Game*), a rite of passage in which serial killers compete against each other to advance in the Crows.

78. In season 1, episode 11, we learn that the Surgeon was going to kill Malcolm but had a change of heart. In *Blood of My Blood*, Jazz learns that Billy and his mother had planned on killing him as a baby.

E. Settings

79. The opening sequence in *Prodigal Son* is set in Tennessee before the series moves to New York City. *I Hunt Killers* takes place in Lobo’s Nod, Tennessee before the series moves to New York City in the second book, *Game*.

F. Mood and Pace

80. Both stories convey a combination of drama and dark comedy, interlaced with a hybrid of Sherlock investigation and Freud psychoanalysis. A thread/motif that recurs throughout the season is Malcolm imagining his father

1 offering advice or sarcastic commentary, hearing his voice offering advice or
 2 sarcastic commentary. Jazz experiences this exact same phenomenon from the very
 3 first page of *I Hunt Killers* and throughout the series. In both cases, the sons are
 4 helpless in the throes of flashbacks and imagined conversations with their fathers.

5 6 **G. Selection, Arrangement, and Combination of Elements**

7 81. The elements of IHK Works that are similar to elements of *Prodigal*
 8 *Son* are original to Plaintiff, and the selection, arrangement, and combination of
 9 elements in *Prodigal Son* are substantially similar to Plaintiff's IHK Works.

10 82. The totality of these similarities, in selection and arrangement, is
 11 hardly coincidental or accidental.
 12

13 **FIRST CAUSE OF ACTION**

14 **(COPYRIGHT INFRINGEMENT 17 U.S.C. §§106, et. seq)**

15 **(Against All Defendants)**

16
 17 83. Plaintiff repeats and realleges paragraphs 1 to 82 of the Complaint as if
 18 the same were fully set forth herein and with the same full force and effect.

19 84. Plaintiff registered the IHK Works as the "Copyright Claimant" with
 20 the United States Copyright Office as follows:

21

22 Title	Date of Publication	Registration Date	Registration Number
23 I Hunt Killers	2012-04-03	2012-06-19	TX0007552395
24 Game	2013-04-01	2013-05-31	TX0007738662
25 Blood of My Blood	2014-09-09	2014-10-17	TX0007929333
26 Lucky Day: An I Hunt Killers Novella	2014-04-01	2016-03-08	TX0008176288
27 Down Time	2018-08-07	2018-10-31	TX0008664607

28

1 85. Plaintiff is the owner and proprietor of all right, title, and interest in the
2 copyrighted IHK Works (“Copyrighted Works”). The Copyrighted Works are
3 comprised of wholly original material and have been deemed copyrightable subject
4 matter under the copyright laws of the United States.

5 86. Plaintiff is informed and believes, and on that basis alleges, that with
6 full knowledge of Plaintiff’s rights therein, Defendants have infringed and
7 continues to infringe the Copyrighted Works in that Defendants have produced,
8 reproduced, distributed, publicly performed and/or publicly displayed Plaintiff’s
9 Copyrighted Works without the Plaintiff’s consent, approval or license.

10 87. Defendants’ acts violate Plaintiff’s exclusive right under the Copyright
11 Act, and constitute infringement of Plaintiff’s Copyrighted Works.

12 88. Defendants’ past and continuing infringement and/or substantial
13 contributions to the infringement of Plaintiff’s Copyrighted Works constitutes a
14 willful and deliberate infringement of Plaintiff’s rights without Plaintiff’s consent
15 for commercial purposes and financial gain.

16 89. Defendants further failed to exercise their right and ability to supervise
17 persons within their control to prevent such persons from infringing Plaintiff’s
18 Copyrighted Works and did so with intent to further their financial interest in the
19 infringement of Plaintiff’s Copyrighted Works. Accordingly, Defendants have
20 directly, contributorily, and vicariously infringed Plaintiff’s copyrighted Works.

21 90. Plaintiff is entitled to recover Plaintiff’s actual damages and
22 Defendants profits in an amount to be proved at trial, attorney’s fees and costs of
23 suit, and all other relief allowed under the Copyright Act.

24 91. Defendants’ infringement has caused, and continues to cause,
25 irreparable harm to Plaintiff, for which Plaintiff has not adequate remedy at law.
26 Unless the Court restrains Defendants from infringing Plaintiff’s Works, this harm
27 will continue to occur in the future. Accordingly, Plaintiff is entitled to preliminary
28

1 and permanent injunctive relief restraining Defendants from further infringement.

2
3 **SECOND CAUSE OF ACTION**

4 **(UNFAIR COMPETITION – Cal. Bus. Professions Code §17200 et seq)**

5 **(Against All Defendants)**

6 92. Plaintiff repeats and realleges paragraphs 1 to 91 of the Complaint as if
7 the same were fully set forth herein and with the same full force and effect.

8 93. Section 17200 of the California Business and Professions Code
9 prohibits unfair competition, including “any unlawful, unfair or fraudulent business
10 acts for practice...”

11 94. By engaging in the conduct alleged above, Defendants have engaged in
12 unlawful, unfair, and/or fraudulent business acts of unfair competition and
13 California common law. Such conduct includes, Defendants’ infringement,
14 interference with Plaintiff’s ability to compete by diluting the value of Plaintiff’s
15 Copyrighted Works and by failing to disclose Plaintiff’s role in conceiving of and
16 creating *Prodigal Son*, and Defendants’ misrepresentations to consumers, the
17 entertainment industry, and other in the public that Defendants’ conceived and
18 created *Prodigal Son* without any participating or contribution by Plaintiff.

19 95. As an actual and proximate result of Defendants’ unfair competition,
20 Defendants have unjustly enriched themselves by, obtaining profits, depriving
21 Plaintiff of compensation to which Plaintiff is rightly entitled, and taking credit for
22 Plaintiff’s ideas and materials, entitling Plaintiff to restitution of such sums in an
23 amount to be proved at trial.

24 96. As an actual and proximate result of Defendants’ unfair competition,
25 Plaintiff has suffered, and will continue to suffer irreparable harm, for which
26 Plaintiff has no adequate remedy at law. Plaintiff is informed and believes that
27 Defendants will continue to engage in unfair competition in violation of California
28

1 Business & Professions Code 17200, et seq, and common law, unless enjoined or
2 restrained by this Court. Accordingly, Plaintiff is entitled to preliminary and
3 permanent injunctive relief restraining Defendants from further unfair competition.
4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff requests relief as follows:

7 1. That Defendants be permanently enjoined from infringing the
8 Copyrighted Works;

9 2. That Defendants be preliminarily and permanently enjoined from
10 engaging in further acts of unfair competition;

11 3. That the Court order the impoundment and destruction of all materials,
12 in video, print, or electronic means, containing copies of the infringing Copyrighted
13 Works;

14 4. That Defendants be required to pay to Plaintiff such actual damages as
15 he has sustained as a result of Defendants' copyright infringement pursuant to 17
16 U.S.C. §504(b);

17 5. For compensatory non-economic damages according to proof;

18 6. That Defendants be required to account for and disgorge to Plaintiff all
19 gains, profits and advantages by its copyright infringement pursuant to 17 U.S.C.
20 §504(b);

21 7. The Defendants be required to pay Plaintiff statutory damages pursuant
22 to 17 U.S.C. §504(c);

23 8. That Defendants be ordered to pay punitive damages as a result of
24 Defendants' willful infringement pursuant to 17 U.S.C. §504(c)(2);

25 9. For costs incurred by plaintiff, including reasonable attorneys' fees
26 pursuant to 17 U.S.C. §505; and

27 10. For such other and further relief as the Court may deem proper.
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1
2 **DATED:** September 21, 2022

VOX TRIAL ATTORNEYS

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4 BY: /s/ Gi Nam Lee
5 S Calvin Myung
6 Gi Nam Lee
7 Attorneys for Plaintiff

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9 **DEMAND FOR JURY TRIAL**

10 Plaintiff requests a trial by jury on the Complaint

11
12 **DATED:** September 21, 2022

VOX TRIAL ATTORNEYS

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14 BY: /s/ Gi Nam Lee
15 S Calvin Myung
16 Gi Nam Lee
17 Attorneys for Plaintiff
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